D.B. CIVIL WRIT PETITION NO.521/2007
UOI & Ors. Vs. Sanwar Mal & Anr.

D.B. CIVIL WRIT PETITION NO.522/2007
UOI & Ors. Vs. Rohitash Meena & Anr.

Date of Order :: 02-02-2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE GOVIND MATHUR

Shri Vinit Kumar Mathur, for the UOI.

These petitions arise from a common order of the Central Administrative Tribunal, Jodhpur Bench dated 29.12.2006 in O.A. nos.267 and 268 of 2006 allowing the applications of respondents Sanwar Mal and Rohitash Meena. They have approached the Tribunal questioning the orders by which they had transferred to HRO Jodhpur from SRO Churu on the post of Sorting Assistant.

The case of the Department is that there was shortage of staff at Jodhpur HRO and the respondents were transferred in the interest of administration. It was stated that out of sanctioned strength of 72 staff at Jodhpur HRO, only 47 are in place and it was decided to transfer two staff from Churu to Jodhpur to make up the deficiency. The case of the Department to this extent is no doubt well founded but what should have been done in that case was to transfer the person(s) who have remained at

Churu for longer period. However while allowing persons who had longer tenure were allowed to remain, the respondents who had lesser tenure were transferred. It was submitted that they had completed normal tenure of four years, and therefore they could be transferred.

Transfer and posting are incidents of service. But the authorities are required to follow certain norms. Selective transfers on pick and choose basis can not be justified. The respondents should have identified persons having longest tenure at Churu and transferred them. From the record it appears that employees who remained at Churu for as long as 25 years were not touched, no reason has been assigned as to why they were not chosen for transfer.

In the premises, interference by the Tribunal does not appear to be arbitrary or illegal. The petitions are dismissed.

[GOVIND MATHUR],J. [S.N.JHA],CJ.

Praveen

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Vide order in DBCWP no.522/2007 (U.O.I. & Ors. Vs. Rohitash Meena & Anr.)

By orders

Court Master